

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Katherine Mitchum,)	C.A. #6:05-1247-PMD
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
Jo Anne B. Barnhart,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This social security case is before the Court upon the magistrate judge's recommendation that the final decision of the Commissioner of Social Security (the "Commissioner") to deny the plaintiff's request for disability insurance benefits be remanded to the Commissioner. The record includes a report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(B).

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v. Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United

States v. Schronce, 727 F.2d 91 (4th Cir. 1984). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report is incorporated into this Order. For the reasons articulated by the magistrate judge, the instant action is hereby **remanded** pursuant to sentence six of 42 U.S.C. § 405(g) to the Commissioner for consideration of the psychiatric evaluation performed by Dr. Funsch.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

Charleston, South Carolina

March 23, 2006